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MILITARY JUSTICE MONTHLY

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NONJUDICIAL PUNISHMENT & ADMINISTRATIVE DISCHARGES

ARTICLE 15 ACTIONS

Between 1 July and 31 July 2015, DM commanders administered six nonjudicial punishment actions under Article 15 of the UCMJ. The punishment imposed reflects the commanders' determination of an appropriate punishment after considering the circumstances of the offense(s) and the offender's record. Commanders may also suspend punishment, rather than imposing it immediately. A suspended punishment does not take effect unless the offender engages in additional misconduct or fails to satisfy the conditions of the suspension. The suspension period lasts no longer than six months.

ARTICLE 15 PROCESSING GOAL

The Air Force goal is to process 80% of all Article 15s within 39 calendar days. In July 2015, DM processed **83% (5/6)** of Article 15s completed within 39 calendar days. DM's year-to-date is **70%**. Below is a comparison of DM's year-to-date completion percentage to other 12 AF bases.

12 AIR FORCE BASES 2015 ARTICLE 15 PROCESSING (PERCENTAGE W/IN 39 DAY METRIC)

Mt Home	(19/21)	90%
Dyess	(45/51)	88%
Beale	(22/26)	88%
Holloman	(13/17)	76%
DM	(19/27)	70%
Ellsworth	(22/34)	68%
Offutt	(29/49)	59%

Failure to Go and False Official Statement— An Airman First Class received a reduction to Airman, forfeiture of \$200 pay per month for two months (suspended), and a reprimand.

Failure to Go, Dereliction of Duty, and Incapacitated for Duty— An Airman First Class received a reduction to Airman, 30 days extra duty, and a reprimand.

Marijuana Use— A Senior Airman received a reduction to Airman First Class, 45 days extra duty, and a reprimand.

Disrespect to an Officer and Drunk and Disorderly Conduct— Two Staff Sergeants each received a reduction to Senior Airman (suspended), forfeiture of \$400 pay per month for two months, 14 days extra duty, and a reprimand.

Dereliction of Duty— A Staff Sergeant received a reduction to Senior Airman, 14 days extra duty, and a reprimand.

ADMINISTRATIVE DEMOTIONS

Failure to Obey Lawful Order— A Master Sergeant received an administrative demotion to Technical Sergeant for violating a general order while downrange.

PT Failure— An Airman First Class was demoted to Airman for failing their third PT test in less than two years.

ADMINISTRATIVE DISCHARGES

The Military Justice section processed one involuntary administrative discharge case and vacated a suspended discharge this month. An Airman with less than 6 years of service was discharged for Minor Disciplinary Infractions with a General Discharge characterization. Another Airman with 14 years of service was separated with an Honorable discharge after failing to adhere to the terms of their suspended discharge.

DUIs at DM

Unit	2014	2015
355 MXG	11	3
355 MSG	6	1
355 FW	1	0
355 MDG	1	1
355 OG	1	0
12 AF	2	0
TENANTS	6	2
TOTAL	28	7

Administrative Demotions

As a commander, you have a number of quality force management tools at your disposal. One of these is the ability to administratively demote an Airman in order to correct certain behaviors. Demotions are covered in **AFI 36-2502**, Chapter 6, and are processed through the Military Justice section of the base legal office. While a demotion is always an available option, it is usually reserved for situations where either more significant correction is needed, or the member has shown a pattern of failing to adhere to standards. Common examples, listed in paragraph 6.3., include multiple fitness test failures, a DUI being prosecuted downtown, or a member with significant paperwork and little sign of improvement. When appropriate, a commander should give a member an opportunity to correct a deficiency before administratively demoting them.

The process for accomplishing a demotion is laid out in paragraph 6.4. Technically, only a group commander may actually demote. However, most group commanders do not have the insight or access to the member being demoted like the squadron commander does. Therefore, it is incumbent upon the squadron commander to know when to make a recommendation to the group commander. This is where the legal office is a valuable resource in walking a commander through this process. The legal experts in the military justice section will assist, by providing consultation when making a decision regarding recommendation; processing the required paperwork; and doing a thorough legal analysis to protect your and your group commander's decisions.

After a demotion, the member is afforded an opportunity to appeal the commander's decision to the next higher commander above the group level. Before the member appeals, the group commander, squadron commander, and the legal office should have already had in-depth conversations about the demotion decision. Thus, the demotion action would not catch anyone unprepared and be able to withstand appeal. Given the potential impact to a member's career, it is imperative that commanders consult with the legal office when considering a demotion.

COURTS-MARTIAL AT DAVIS-MONTHAN AFB

SSgt Vinson M. Jaramillo, 355 CES, was tried by a general court-martial on 28-31 July 2015. He was charged with one violation of Article 120, UCMJ, for sexual assault by bodily harm; multiple violations of Article 128, UCMJ, for assault consummated by a battery; and one violation of Article 112a, UCMJ, for wrongful use of cocaine. On 31 July, he was acquitted of all charges and specifications by a panel of officer members.

All courts-martial are open to the public. Visit our USAF Public Docket website at <http://www.afjag.af.mil/docket/index.asp>. View sexual assault convictions by the Air Force at <http://www.afjag.af.mil/shared/media/document/AFD-130917-061.pdf>

MILITARY JUSTICE POCs

Courts/Investigations

Capt Trenton White (228-3166)
Capt Nelson Faerber (228-3733)
MSgt Joel Ketchum (228-4550)
SSgt Brandy Brewer(228-0664)
SSgt Phillip Webb (228-3199)

Adverse Actions (Art. 15)

Capt Alexis Sellars (228-6444)
A1C Molly Moloney(228-6437)

Discharges/Demotions

Capt Amy Sfara (228-3162)
Ms. Janice Meindl (228-3168)

Contact the on-call JAG through the Command Post at 228-7400